

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**LACKS INDUSTRIES, INC.,**

**Plaintiff,**

**v.**

**McKECHNIE VEHICLE COMPONENTS  
USA, INC., d/b/a THOMPSON INTERNATIONAL,  
HAYES WHEELS INTERNATIONAL, INC.  
and HAYES WHEELS INTERNATIONAL  
MICHIGAN, INC.**

**Defendants**

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**Case No. 96-75692**

**Honorable John Feikens**

**Richard D. Grauer,  
Special Master**

**ORDER REGARDING DEFENDANT McKECHNIE'S  
MOTION TO STAY THIS LAWSUIT  
PENDING USPTO REEXAMINATION OF '213 PATENT AND HAYES-  
LEMMERZ BANKRUPTCY**

Defendant McKechnie's Motion to Stay (Dkt. 337) was referred to Special Master Grauer, pursuant to the Third Amended Order of Appointment, dated January 7, 2009 (Dkt. 332). The Special Master's Report and Recommendation of June 12, 2009 (Dkt. 341) ("the Report") recommended that such Motion be denied.

The Court has considered McKechnie's Motion for Action Upon Objections to the Report (Dkt. 345) and Plaintiff Lacks' Response thereto (Dkt. 346), and notes that McKechnie requested oral argument.

Having carefully reviewed the contentions of the parties respecting McKechnie's Motion to Stay, the Special Master's Report, and the parties' post-Report submissions, the Court: (1) denies McKechnie's request for oral argument, deeming it unnecessary to the Court's understanding of the issues and the parties' contentions; and (2) adopts the

Special Master's Report for the reasons expressed therein. In light of the Report's analysis of the relevant factors, the Court finds the objections thereto to be without merit, and concludes that the Special Master did not abuse his discretion in recommending that the Motion to Stay be denied. Rule 53(f)(5), Federal Rules of Civil Procedure.

The Court further notes that the briefing on Plaintiff's Motion for Summary Judgment (Dkt. 335), filed April 6, 2009, was interrupted by the proceedings on the Motion to Stay.

Accordingly, IT IS HEREBY ORDERED that Defendant McKechnie's Motion to Stay is DENIED, and that the parties promptly confer with each other and with the Special Master to establish a schedule for the remaining briefs on Plaintiff's Motion for Summary Judgment.

**s/John Feikens**

John Feikens

United States District Judge

Dated: July 17, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 17, 2009.

**s/Carol Cohron**

Deputy Clerk